



INTERIOR BOARD OF INDIAN APPEALS

Lennie R. Reynolds, Sr., et al. v. Acting Navajo Regional Director,
Bureau of Indian Affairs

38 IBIA 222 (11/18/2002)

Reconsideration denied:
38 IBIA 270



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

LENNIE R. REYNOLDS, SR., et al.,	:	Order Affirming Decision
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 02-139-A
ACTING NAVAJO REGIONAL DIRECTOR	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	November 19, 2002

This is an appeal from a June 19, 2002, decision of the Acting Navajo Regional Director, Bureau of Indian Affairs, concerning the approval of three homesite leases on the Navajo Reservation. The notice of appeal was filed by Lennie R. Reynolds, Sr., and stated in its entirety:

This letter is being written in regard to the granting of approval decision on homesite leases for Dawn L. Ferguson, (Judge) Lorene Ferguson, and Lucy R. Simpson as of May 28, 2002.

I do not agree with the approvals and am exercising my right, and the rights of other legal land users, namely Mrs. Lillian Mitchell (my sister) and Mr. Jimmy Tsosie (my brother) and their heirs to appeal the Bureau of Indian Affairs' decision, in accordance with 43 CFR 4.310-4.340 to your board. I received the Bureau of Indian Affairs' June 19, 2002 letter on June 22, 2002. A copy of the Bureau's decision is enclosed for your reference. [1]

In the notice of docketing issued in this appeal on September 12, 2002, the Board informed Appellants of their briefing privileges. It also informed them that they bore the burden of proving error in the Acting Regional Director's decision.

Appellants did not file a brief.

1/ The Board considers this appeal to have been filed by Reynolds on his own behalf and, under the authority in 43 C.F.R. § 1.3(b)(3)(i), also on behalf of his sister and brother.

The Board has frequently held that appellants who fail to make any allegation of error in the decision under appeal, let alone any argument in support of such an allegation, have not carried their burden of proof. See, e.g., Cervantes v. Acting Southern Plains Regional Director, 37 IBIA 224 (2002); OK Tank Trucks, Inc. v. Acting Muskogee Area Director, 33 IBIA 119 (1999), and cases cited therein. Appellants have not carried their burden of proof here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Acting Regional Director's June 19, 2002, decision is affirmed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge